

## MERCATOR:

OR,

## Commerce Retrieved,

BEING

CONSIDERATIONS on the State of the *British* Trade, &c.

From Tuesday, February 9. to Thursday, February 11. 1713.

*If the Letter in the last Mercator is right, the Portugal Treaty was broken by the K—g of P—gal almost as soon as made.*

*If broken by the Portuguese, it ought not then to be binding to us.*

*The Particulars, wherein it was broken Argued.*

*That Treaty an Invasion of our Constitution.*

*They that advised to it ought to Answer for it, and are Guilty of worse than Felonies.*

*Contrary to the 27th and 37th Article of Magna Charta.*

*All Things done or procured contrary to Magna Charta, are by Magna Charta made to be of no force. The Por—l Treaty therefore is void and of no Force, and ought not to be observed by us.*

**I**F The Letter published in the last *MERCATOR* speaks Truth; it is left to all Impartial Britains, who regard the Honour of their Country, and desire, that she should have Justice done her by other Nations, to tell us, whether we are not fairly discharged of all manner of Obligation to the King of Portugal; and whether we ought to think Ourselves any longer bound by the Treaty with him.

The Thing is very plain, we granted the King of Portugal's Subjects a Privilege exclusive in Britain, (viz.) That they should pay a Third less Customs on their Wines than the French.

We did this for something or for nothing; if for something, what was the Consideration? The Consideration was express'd, (viz.) An Advantage of having our Cloths admitted at a time, when all such Goods were Prohibited from other Countries as well as Ours; We did not stipulate to be put upon an even Foot with them, but that Ours should be admitted: Immediately he takes off the General Prohibition, and Levels our Trade with our Neighbours: Was this the Intent and Meaning of the Treaty, or was it not?

Perhaps they will Object, we did not Capitulate, that others should remain Prohibited, and that therefore he was at liberty; but the Answer will introduce a Question; Pray why was the King of Portugal so generous to the French and the Dutch as to Grant that to them for Nothing, which he insisted upon so high a Value from us as an Equivalent for?

Some People, it may be, will Infer, That this was no Breach in the King of Portugal, because that no Nation but England Importing any Woollen Cloths into Portugal, or having any to Import thither, the King of Portugal had nothing to do, but to make an Act in general, that such Goods might be Imported; which was the same thing, as giving an exclusive Liberty to the English; because to allow the bringing in of Goods, which no Nation but England had to furnish, was effectually granting the Liberty, which the English desired.

This indeed would be an Answer from those People, who are of the Opinion, that none but the English can make those Cloths. But our Opposers dare not make use of such an Argument sure, when at the same time

time they tell us the French can make as good Broad-Cloth as we do, and sell Cheaper too, and thereby carry away the Trade. If what they say is true, then the King of Portugal having oblig'd us to give him an Advantage in the Duties on his Goods here, has given us nothing for the Equivalent; nor has he made good the Condition, for which that Advantage in our Duties was Granted to him; and therefore we cannot see, why we should think ourselves oblig'd (if we were otherwise oblig'd) by a Treaty, which we find broken in upon as soon as made.

But we must also reserve what was said before, (viz.) That yet more forcible Reason mentioned already, which no Answer has or can be given to, (viz.) That this Treaty being in its self an Invasion of Parliamentary Right, could not legally be made, and is therefore void in its own Nature, as every Act done against or inconsistent with the Constitution is, and must be allow'd to be. If this be not Granted, then we have no more need of Parliaments, and in particular have no need to trouble the present Parliament with any Debates about the 8th and 9th Article of the Treaty of Commerce; for if an Ambassador can by a Treaty Article with Portugal, that the Parliament shall not lay such or such Duties, and that the Parliament shall not take off such or such; An Ambassador may by the same Rule Article in the Treaty with France, That the Parliament SHALL take off such and such Duties; and the like. And so a British Parliament is made a dainty Nose of Wax to be turned and twisted, stand this way, and that way, as a Plenipotentiary shall please to direct.

If an Ambassador at Lisbon shall be allow'd to Article, That the Parliament shall not lay any higher Duties on Portugal Wines than so and so; shall not take off any Duties from the French Wines, but on such and such Conditions; and that if they take off or add in one part, they shall be oblig'd to take off and add in such other part: By the same Rule a Plenipotentiary at Utrecht may Article with the French, that the Parliament shall reduce the Duties on French Wines to such or such a Rate, and that they shall pay no more than Goods of the like Quality pay from other Countries; and the like. And if the Parliament are bound



to make good one Treaty, they are also bound to make good the other.

If this were to be allow'd, then farewell Constitution: we have no more occasion for Parliaments: Plenipotentiaries may as well raise Taxes at home, as take off Taxes abroad; and if the Parliament may be Limited one way, they may be Limited another. What a loud Noise of Tyranny, and of the dispensing Power would these Men make, if the present Administration should act thus? How would our Pamphleteers swell it up to an Invading the Constitution, and to a Criminal Breach of our Original Right, and perhaps plead for another Revolution, and a calling in another foreign Power to restore their Privileges. But all these Things have been done in a time, when the Pretensions for a just Administration run very high, and when the Revolution Principle, as it was call'd, was a Test of the Loyalty of the Subject.

All those Men, who really act upon the Foundation of Liberty, and whose Concern for the British Constitution is not a meer pretence only, must, if they would speak Impartially, allow, that whoever advised the Signing and Ratifying, that such a Treaty as would destroy the British Constitution, and take away the Sacred Reserved Rights of Parliament in raising Taxes, ought no more to wear his Head in this Free Nation, than King James the Second ought to have worn his Crown.

But this is not a Time, when Men will allow themselves to be Impartial. They will allow nothing in those, who they Argue against, tho' they will practice the same thing, and justify it, when it serves their own Case.

Is this the Treaty, that ought to be kept Inviolable? Was it a Sin against the Government to call this a *Felonious Treaty*? Well! then the *MERCATOR* shall say no more; but shall say what is as bad, and affirm it, (viz.) That it would be worse than *FELONIOUS* to enforce the keeping it at the expence of the undoubted Privileges of the British Parliament. This would be a Robbery equal to the worst Treason; for it would take from the Parliament that Right, which has not for some Ages been Disputed with them, (viz.) Of having the only Power of levying and appropriating Taxes, and raising Money; a Right even King James himself never denied, and never Invaded.

To such Extremities will our Parties carry their Fends at this time, that they will give up even the fundamental Liberties of their Country, to carry a point against those, who they think fit to Oppose; and rather than not maintain the Interest, which they have embark'd in, they will Sacrifice all that ought to be dear to them as Englishmen and Britains.

What Privilege have we left, which is worth Naming or worth keeping, if the power of giving Money is taken from the Legislature, and deputed to single Persons, Ambassadors, &c.? May not the next Sett of Plenipotentiaries agree to take off the whole Subsidies of Tonage and Poundage from all or any Goods, and the Parliament be obliged to assent and make it Effectual!

It behoves therefore all true Britons, who have the least Concern for the Liberties of their Country, to Vote that Treaty a Betraying the Nation, and impracticable, or indeed impossible to be observed, without the Overthrow of that great and fundamental Article of our Constitution, (viz.) The strings of the Peoples Purse being kept in their own Hands.

We Talk much of Magna Charta, and the Blood and Treasure, which it has Cost our Ancestors in former Days to preserve the Charter of their Liberties; and we are very Right in so doing: But do these People know then, that the Treaty we are speaking of destroys the very Essence and Nature of Magna Charta?

Two Things are of the most fundamental Consequence to this Nation, and both are found in Magna Charta.

1. No Man shall be Disfranchised of his Freehold, his Lands or Liberties, but by his Peers; but all ancient Liberties shall be preserved. Magna Charta, Cap. 27. 37.

2. If any thing be done or procured by any Person, contrary to this Charter, it shall be of no Force. Mag. Char. Cap. 37. Sect. 6.

Thus this Treaty is of no Force, even by Magna Charta it self, for that it is destructive of the ancient Liberties. One of the ancient Liberties, and far more ancient than Magna Charta, was the Right of Levying Money by Parliament; and even in *Nono Hen. Tertio*, when our great Charter was confirmed, a Subsidy in respect of the Charter, is Granted by the Parliament to the King, and is made an Article of the Charter.

But this Treaty with Portugal takes this Liberty from the Parliament, and places it in the Crown, and Impowers the Crown to depute it again to a single Subject, Ambassador, &c. which being thus contrary to Magna Charta, is therefore of no Force; and the Parliament of Britain cannot be bound by it.

## From the Custom-House.

Exported to France in Three Days,  
Jan. 27, 28, 29.

10 Casks Sandiver  
29 Stuffs  
1 piece Shag  
20 l. wt. Silk Hose  
125 l. Haberdashery and wrought Iron  
1 C. Clockwork, and 3 Cafes  
30 pieces Cabinet Wares  
2 Beds and Furniture  
25 Firkins Butter  
6 C. Block-Tin  
77 C. Leather  
3685 l. Cotton Wooll  
2 C. Books  
1 Ton 10 C. Lead shot  
11 Fod. 4 C. Lead  
10 Ton 14 C. Logwood  
12 Ton 2 C. Nicarago Wood  
5 Ton 12 C. Brazillito  
19 Ton 8 C. Copperas  
1 Ton Gauls  
6 C. Elephants Teeth  
2 Ton 106 Gal. Canary  
2 Ton 10 C. Brown Sugar  
3 Ton 1 C. Corants  
13 Ton Raisins  
3463 l. Pimento  
16206 l. Virginia Tobacco

## ADVERTISEMENT.

Just Publish'd,

A Modest Enquiry into the Reasons of the Joy express'd by a certain Sett of People, upon the spreading of a Report of Her Majesty's Death. Price 3d. And in a few Days will be publish'd, The Publick Spirit of the *Whigs*, set forth in their generous Encouragement of the Author of the *Crisis*: With some Observations on the Seasonableness, Candor, Erudition and Style of that Treatise. Price 1s. but to the Subscribers Half a Crown. Note, This Work will be Printed in Quarto, fit to be bound up with the *Crisis*. Both Printed for John Morphew, near Stationers-Hall.

LONDON: Printed for BENJ. TOOKE, at the Temple-Gate; and JOHN BARBER, on Lambeth-Hill. (Price 3 Half-pence.)